

**Remarks/Arguments**

This is in response to the Examiner's action mailed December 22, 2002. A petition for a two (2) month's extension of time along with the requisite fee is submitted herewith.

This acknowledges that claims 42 – 54 have been withdrawn.

5        This acknowledges that claims 4 - 6, 9, 10, 12, 14, 16, 19, 22, 25 - 27, 31 - 33, and 36 - 40 have been amended.

This acknowledges that claims 1 – 3 and 13 have been canceled.

This acknowledges that claim 55 has been added.

10       This acknowledges that claims 7, 8, 11, 15, 17, 18, 20, 21, 23, 24, 28 – 30, 34, 35, 41, have remained the same.

Because, as indicated above, page 11, line 23 has been herewith amended to delete reference character "25" and to replace it with "27" to refer to the subframe, and because, as is clearly shown in Fig. 1, the subframe is designated by reference character 27, it is not believed that an amendment to the drawings to refer to reference character 25 is required. It is further  
15       noted that the slide rods 25a, 25b, as shown in Fig. 1, are designated by reference character 25. A search of the remainder of the specification shows that no other part is designated by reference character 25 other than the slide rods.

**Claim Objections**

20       Claim 27 has been amended as suggested by the Examiner so as to delete "rimmed" and to replace it with "trimmed".

**Claim Rejections - 35 U.S.C § 112**

It is believed that the claims, as presently amended, correct the rejections of claims 5 – 9, 11, 14 – 22 and 30 – 41, as pointed out on pages 3 and 4 of the Examiner's Remarks.

Specifically, with regard to the Examiner's objections to claims 22 and 30, a careful review of claim 12, the base claim for both claims 22 and 30 shows that claim 12 does describe the terms referred to in sub-paragraph i of page 4 of the Remarks. It is therefore believed that proper antecedent basis exists and no correction is needed.

**5 Claim Rejections - 35 U.S.C § 102**

It is respectfully submitted that claims 2, 3, 12 – 13, and new claim 55 particularly as herewith amended, are not anticipated by Westra et al. (U. S. Patent 5,694,823).

Claim 1 has been canceled and is replaced by new claim 55. New claim 55 (as set forth below) describes Applicant's invention in the following manner, where, for illustration purposes  
10 and not for the purpose of restricting the plain meaning of the terms of the claims as they would be understood by one of ordinary skill in the art, the Applicant has broken the claim into sentences, has added reference characters, and has added parenthetical statements to illustrate the claim certain claim terms:

New Claim 55. A book trimmer (1) for trimming the margins of a perfect bound  
15 book (B). The book has a plurality of text pages (P) and a cover (C). The book is generally rectangular and has two minor edges and two major edges (as shown in Fig. 2). The text pages (P) are bound to the cover along one of the major edges constituting the spine (S) of the book. The book is to be trimmed along its minor edges and along the other of its major edges opposite the spine to the predetermined finished dimensions. The trimmer comprises a platen (19) and a  
20 trimming blade (15) cooperable with the platen where the blade is movable in a shear plane (SP, see Fig. 4) with respect to the platen between an open position (see Fig. 9) in which the book may be inserted between the blade and the platen and a closed position (see Fig. 4) in which the book is sheared between the blade and the platen. A holder (35) is provided for gripping the book. A carriage (23) supports the holder. A sub-frame (27) is provided on which the carriage  
25 (23) is mounted (see Fig. 1). The sub-frame (27) along with the carriage (23) and the holder (35) are movable toward and away from the shearing plane (e.g., in Fig. 3, the sub-frame 27 is shown

to be mounted on vertical slide rods 29a, 29b for vertical movement). The holder (35) and the book are rotatable relative to the carriage between a first holder position (shown in Fig. 5), a second holder position (shown in Fig. 6), and a third holder position (shown in Fig. 7) where the holder positions are substantially 90 degrees from one another. The carriage is movable in transverse direction with respect to the sub-frame between a first carriage position (see Fig. 5) in which the holder is in the first holder position, a second carriage position (see Fig. 6) in which the holder is in the second holder position, and a third carriage position (see Fig. 7) in which the holder is in the third holder position. Thus, with the holder in the first holder position and with the carriage in the first carriage position, the book is positioned relative to the shearing plane such that actuation of the blade shears a predetermined amount of the margin of the book along a first edge of the book. With the holder in the second position and with the carriage in the second carriage position, the book is positioned relative to the shearing plane such that actuation of the blade shears a predetermined amount of the margin of the book along a second edge. And, with the holder in the third holder position and with the carriage in the second carriage position the book is positioned relative to the shearing plane such that actuation of the blade shears a predetermined amount of the margin of the book along a third edge thereby to produce a finished book trimmed to the predetermined finished dimensions.

Of course, for a prior art reference to anticipate a claim, a single prior art reference must disclose each and every element of the claim, either expressly or inherently. "To anticipate a claim, **a reference must disclose every element of the challenged claim** ....." *PPG Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 1566 (Fed. Cir. 1996)(emphasis added). As will be shown below, Westra et al. does not anticipate applicant's book trimmer, as now described by new claim 1.

Westra et al. describes a book trimmer in which a book to be trimmed is positioned on a table 59. The spine of the book is positioned against vertical leg 105 of the transport holder 37 and against side alignment block 123 (see Fig. 10), the book "takes on a predetermined aligned position". (see Westra et al., 5:15 et seq.). A stepper motor 125 extends side alignment block 123 positions the document (book) 34 so as to permit the book to be "grasp[ed] by document positioning mechanism 32 in a known location, with the edges of the document 34 also being in

a known position relative to the vertical axis defined by rotator shaft 102.” (5:26-30). As further described at 6:17 et seq. of Westra:

5 To operate document trimming apparatus 30, an operator initially selects an operation to be performed by apparatus 30 by use of key pad. A document 34 is the positioned against rotator vertical leg 105 and retractable support block 121 on table 59 (FIG. 10). Once the document 34 is properly positioned, foot 109 is lowered to grasp document 34, and side block 121 is retracted (FIG. 12). Then, rotator 100 is rotated and translator 88 translated to place document 34 in a desired position for trimming (FIG. 13). Knife 35 is then actuated to trim the  
10 document 34. The waste paper falls away through chute 140. Rotator 100 and translator 88 are again actuated to position the document 34 in a second position (FIG. 14) and a third position (FIG. 15) for trimming. Rotator 100 then returns to a home or start position (FIG. 10) where document 34 can be removed.

To trim the edges of the book, the book 34 is rotated by rotator 100 and is translated by  
15 translator 88 toward and away from the knife 35 between first, second and third positions, as illustrated in Figs. 13 – 15 of Westra et al. Unlike the book trimmer described in claim 1, Westra et al. has no description or suggestion of any structure corresponding to Applicant’s carriage which is movable transversely as the book holder is rotated between its three positions. It will be noted in Westra et al. that a rotator 100 (FIGS. 8-9) is operably mounted on carrier plate 90 for  
20 controlled rotational movement of document 34.

As described at 5:11 et seq. of Westra et al., “Depression 112 (FIG. 6) has a width and fore-to-aft dimension sufficiently large to allow first leg 104 to be rotated about shaft 102 (FIG. 9) and translated linearly along a slot 114 in table 59 without engaging the edges 112A of depression 112.” Thus, it is clear that as the book is rotated between its three trimming positions,  
25 there is no transverse (side to side) movement of the holder. To move the book from one of its trimming positions to the other, the holder of Westra et al. merely backs away from the blade or knife 35, rotates to its new position, and moves forward toward the blade. There is no side to

side (transverse) movement of the book or the book holder with respect to the knife, the table, or the structure carrying the rotator 100.

It is therefore submitted that Applicant's book trimmer, as described by new claim 1, is not anticipated by Westra et al. and should be allowed.

5 It should be noted that claims 2 and 3 have been cancelled.

Independent Claim 12 (as amended) describes Applicant's book trimmer wherein "said carriage being movable laterally with respect to said blade between a first position in which a first edge of said book may be trimmed, a second position in which a second edge of said book may be trimmed, and a third position in which a third edge of said book may be trimmed, an  
10 indexing mechanism for shifting said carriage between its said first, second and third positions,". Thus, like claim 1, claim 12 specifies that the carriage is movable laterally (transversely) with respect to the blade between its three positions. Further, claim 12 specifies that the carriage is shifted laterally between its three positions by an indexing mechanism. This indexing mechanism is indicated generally at reference character 45 and is illustrated in Figs. 5 – 7 of  
15 Applicant's drawings.

Westra et al. has no description or suggestion of a carriage that is moved laterally or of the indexing mechanism specified in claim 12 and thus Westra et al. does not anticipate claim 12. It is also submitted that Westra et al. does not render obvious claim 12.

Claim 13 has been cancelled.

20 In view of the above, independent claims 1 and 12, particularly as herewith amended, are not anticipated by Westra et al. and thus rejection should be withdrawn.

**Claim Rejections - 35 U.S.C § 103**

Claims 4 – 11 and 14 – 41 have been rejected as being obvious over Westra et al. in view of Cassoni et al. (U. S. Patent 6.516.695). On page 5 of the Examiner's Remarks, it is stated that "Westra et al. discloses the invention substantially as claimed except it appears that the shearing plane is not substantially horizontal as claimed." Cassoni et al. is relied upon in combination with Westra et al. to show that the orientation of the shearing plane is a matter of design choice. However, as will be pointed out below, there are important structural differences between the subject matter of claims 4 – 11 and 14 – 41 not shown or rendered obvious by either Westra et al. or by Cassoni et al. such that these claims are not rendered obvious by Westra et al. in view of Cassoni et al.

Cassoni et al. discloses a high speed trimmer for trimming multiple streams of printed products, such as newspapers or books. As shown in Fig. 1 of Cassoni et al., the streams of books are trimmed a face edge trimming unit 151 and by a lead and trail end trimming unit 180. The face end trimming unit 151 is shown in Fig. 2 to be able to trim the books from four (4) different sub-streams of books in face edge trimming units 151, 251, 351 and 451. These trimming units are driven in unison by the gear train shown in Fig. 2. Fig. 3 illustrates the lead and trail edge trimming units 180 and 280.

Cassoni et al. does not disclose or suggest a book trimmer, as described in claim 1, having an holder which is rotatably mounted on a carrier, where the carrier is movable transversely, and where the carrier along with the holder may be moved toward and away from the trimming blade. The fact that Cassoni et al. may disclose a book trimmer in which the trimming blade is movable in a horizontal shearing plane is of little or no moment because Cassoni et al. would not motivate one of ordinary skill in the art to modify Westra et al. to

provide the missing side to side (transverse) movement of the carriage as the book is moved in and out of the blade and as the book is rotated. Further, there is no disclosure or suggestion in Cassoni et al. of the indexing mechanism specified in claim 12. It is respectfully submitted that there is no teaching in Cassoni et al. that would motivate one of ordinary skill in the art to  
5 modify Westra et al. to result in the trimmer described in the claims of the instant application. Accordingly, claims 4 – 12, 14 – 41 and 55 are not anticipated by Westra et al. and are not rendered obvious by the combination of Westra et al. and Cassoni et al. These claims are properly allowable.

The amendment to claim 4 merely changes its dependency to new claim 55 in as much as  
10 claims 2 and 3 have been cancelled.

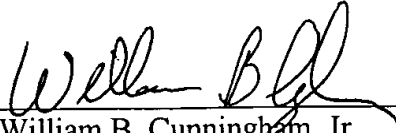
The amendments to claims 5, 6, 9, 10, 14, 16, 19, 22, 25, 26, 27, 31, 32, 33, and 36 – 40 are editorial in nature and merely clarify the subject matter claimed, or certain of these amendments correct some of the §112 objections raised by the Examiner.

### **Conclusion**

15 Claims 4 – 12, 14 – 41, and 55 particularly as amended, are not anticipated by Westra et al., or rendered obvious over Westra et al. in view of Cassoni et al. A timely Notice of Allowance is requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William B. Cunningham, Jr.", written over a horizontal line.

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